

AMENDED IN SENATE AUGUST 17, 1999

AMENDED IN ASSEMBLY MAY 28, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 646

Introduced by Assembly Member Bates

February 23, 1999

An act to *amend Section 38139 of, and to add Section 49068.6* to the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 646, as amended, Bates. School safety: missing children.

Existing law establishes the Safe School Policing Partnership Act of 1998, to be administered by the School/Law Enforcement Partnership, for the purpose of awarding grants to school districts and county offices of education, or consortia thereof, to develop and implement plans that demonstrate a collaborative and integrated approach for implementing a system of providing—~~save safe~~ and secure environments.

Existing law requires each public primary and secondary school to post, at an appropriate area restricted to adults, information regarding missing children. Existing law establishes certain records requirements for enrollment and transfer of private and public school pupils.

This bill would require the law enforcement agency responsible for the investigation of a missing child to inform

the school district, other local educational agency, or private school, in which the child is enrolled, that the child is missing and would authorize local law enforcement agencies to establish a process for informing schools about abducted children. The bill would require that the notice be in writing, include a photograph, if available, and be given within 10 days of the child's disappearance. The bill would require every school so notified to place a notice that the child has been reported missing on the front of each missing child's school record. *If a school receives a record inquiry or request for a missing child about whom the school has been notified, the bill would require the school to immediately notify the law enforcement authorities who informed the school of the missing child's status.* By establishing these additional duties; for law enforcement agencies *and schools*, this bill would impose a state-mandated local program. *The bill would also correct an obsolete cross-reference in existing law.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 38139 of the Education Code is*
 2 *amended to read:*
 3 38139. (a) Public primary schools shall post at an
 4 appropriate area restricted to adults information
 5 regarding missing children provided by the Department
 6 of Justice pursuant to Section ~~14144.1~~ 14208 of the Penal
 7 Code.

(b) Public secondary schools shall post at an appropriate area information regarding missing children provided by the Department of Justice pursuant to Section ~~1114.1~~ 14208 of the Penal Code.

SEC. 2. Section 49068.6 is added to the Education Code, to read:

49068.6. (a) Any law enforcement agency responsible for the investigation of a missing child shall inform the school district, other local educational agency, or private school, in which the child is enrolled, that the child is missing. The notice shall be in writing, shall include a photograph of the child if a photograph is available, and shall be given within 10 days of the child's disappearance.

(b) Every school notified pursuant to this section shall place a notice that the child has been reported missing on the front of each missing child's school record. For public schools this shall be in addition to the posting requirements set forth in Section 38139.

(c) Local law enforcement agencies may establish a process for informing local schools about abducted children pursuant to this section.

(d) If a school receives a record inquiry or request from any person or entity for a missing child about whom the school has been notified pursuant to this section, the school shall immediately notify the law enforcement authorities who informed the school of the missing child's status.

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

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